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December 5, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Dear Mr. Caton

On behalf of KRIG, Inc., there are herewith submitted an original and four (4) copies of its Reply Comments in MM Docket No. 94-100; RM-509. These Reply Comments relate to the counterproposal advanced by Singer Broadcasting Group, Inc. and which was the subject of FCC Public Notice dated November 18, 1994 (Report No. 2041.)

Sincerely

Lawrence N. Cohn

Lawrence N. Cohn

Enclosures

BEFORE THE

Federal Communications Commission

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	
Table of Allotments,	)	MM Docket No. 94-100
FM Broadcast Stations,	)	RM-8509
(Okmulgee, Nowata and Pawhuska,	)	
Oklahoma)	)	

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

REPLY COMMENTS OF KRIG, INC.

KRIG, Inc. ("KRIG"), licensee of Station KRIG, Nowata, Oklahoma, by its counsel, hereby submits these Reply Comments in response to the counterproposal advanced in this proceeding by Singer Broadcasting Group, Inc. ("Singer"), licensee of Station KRMP-FM, Bixby, Oklahoma, in the Comments which Singer filed with the Commission on November 7, 1994.[1/] KRIG submits that the Commission should adopt Option 1 under the NPRM in this proceeding,

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1/ Singer's counterproposal appeared on an FCC Public Notice dated November 18, 1994 (Report No. 2041).

and should change KRIG's operating channel from 232A to 286C3. In support, KRIG states the following.

Station KRIG currently operates on Channel 232A, and it has requested a change in its channel allocation to Channel 286C3. The Commission's NPRM proposes making the change sought by KRIG as "Option 1," but also includes two other options, both of which would result in KRIG changing from Channel 232A to Channel 285A, a result which is not satisfactory to KRIG. Singer supports the change in KRIG's channel to 285A, because this would allow it to change the operating channel of Station KRMP-FM from Channel 287C3 to Channel 287C2. The operation of KRMP-FM on Channel 287C2 at Bixby is incompatible with the operation of KRIG on Channel 286C3 at Nowata. In support of its contention that the upgrade for KRMP-FM to Channel 287C2 would better serve the public interest than would the upgrade of KRIG to Channel 286C3, Singer points to the larger total areas and total populations which would receive service from its proposed upgrade than would receive service from the proposed upgrade of KRIG.

I. Singer's Purported Areas/Populations Advantage Over KRIG Should Not Be Credited.

The Commission should not grant Singer's proposal based on what Singer asserts are the differences in the area/population

gains of the two proposals. The area and population gains claimed by Singer for its proposal clearly presuppose operation of its station at a new, fully-spaced site.[2/] See Paragraph 5 of Singer's Comments filed November 7, 1994 wherein its engineering consultant writes:

> Channel 287C2 can be allocated to Bixby, Oklahoma, at reference coordinates North Latitude 35° 55' 15" and West Longitude 95° 52' 25". This represents a site restriction of 2.4 kilometers southeast of the community in order to avoid shortspacing KGFY, Channel 288A, Stillwater, Oklahoma, and KOCD, Channel 287C3, Columbus, Kansas. From this location, a 3.16 mV/m contour can be placed over all of Bixby. Exhibit #1 details the usable area for Channel 287C2 at Bixby. (emphasis supplied)

However, Singer has never made an unequivocal commitment to the Commission that it will move its transmitter to any new fully-spaced site so as to achieve the population and area gains which it asserts will be forthcoming if its proposal to operate on Channel 287C2 is approved. In specific, Singer initially expressed "its intention to apply for a upgrade on Channel 287C2 for KRMP-FM at Bixby, Oklahoma" (see page 2 of the Comments of Singer Broadcasting

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[2/] Singer's current site would be short-spaced if KRMP-FM were a class C2 facility, and it would therefore need to make adjustments in its technical operation which would presumably require reduce its coverage area (e.g., Section 73.215 of the Commission's rules) for the station to operate at the current site.

Group, Inc., filed November 7, 1994), and Singer recently affirmed "it[sic] intention to file an application to upgrade KJMM-FM to Channel 287C2" (see page 2 of the Reply Comments and Statement of Continuing Interest of Singer Broadcasting Group, Inc. file December 2, 1994.)[3/]

These statements of intention are ambiguously worded, and it may be that Singer has craftily expressed its intention "to apply for an upgrade" and "to file an application" with the intention of using its current site for the Channel 286C2 upgrade even though the area and population gains which it now uses as the justification for its proposal over that of KRIG would not be forthcoming from its current site. Singer has had every opportunity to be clear about this point but it has not. The Commission should not, based on the current record, accept Singer's alleged area/population superiority because Singer has not unequivocally stated that if its Channel 287C2 proposal is approved by the Commission in this proceeding, it will not remain at its current location but will move to a new site from which its proposed areas/populations gains can and will be effectuated.

[3/] The call sign of Station KRMP-FM was recently changed to KJMM-FM.

II. Singer's Purported Total Area/Population Advantage Over KRIG Is Outweighed by KRIG's Proposed Service to Underserved Areas/Populations.

Although Singer's proposal, if effectuated as proposed (but see Section I, above), would result in greater total area/population gains than would KRIG's proposal, this is not the whole story. Not mentioned by Singer is the fact that its proposal would provide service exclusively to areas which are already very well served, while KRIG's proposal would provide service to substantial "undeserved" areas and populations. In this regard, see the attached Technical Statement of KRIG's consulting engineer, John R. Furr. That Statement demonstrates that Singer's proposal would not provide new service to a single person who does not already receive at least nine (9) fulltime aural services; indeed, more than one-half of the areas which would receive new service from the Singer proposal already receive at least 18 fulltime aural services.

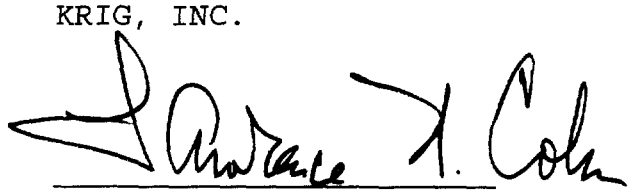
In stark contrast to the Singer proposal, the KRIG proposal would bring new service to 3,786 people (in 545 square kilometers) who currently receive only three or four fulltime aural services, to 17,682 people (in 972 square kilometers) who currently receive only five fulltime aural services, and to 3,644 people (in 356 square kilometers) who receive only six fulltime aural services.

In sum, the Singer proposal is really an attempt to expand the signal of the Bixby station into relatively well-served areas, and would not bring even a ninth fulltime aural service to a single person, while the KRIG proposal would bring a fourth, fifth, sixth, or seventh fulltime aural service to a total of 25,112 persons. KRIG submits that the enhanced service its proposal would bring to underserved areas and populations more than offsets Singer's advantage in over-all service gains.

For the foregoing reasons, KRIG submits that the Commission should reject Singer's position that KRIG's channel should be changed to 285A in order to allow KRMP's channel to be changed to 287C2; instead, the Commission should adopt Option 1 as set forth in the NPRM, and change Station KRIG's channel from 232A to 286C3.

Respectfully submitted

KRIG, INC.



Lawrence N. Cohn
Cohn and Marks
1333 New Hampshire Avenue, N.W.
Suite 600
Washington, D.C. 20036
(202) 293-3860

Its Counsel

Dated: December 5, 1994

CERTIFICATE OF SERVICE

I, Lula Parker, a secretary in the Law Firm of Cohn and Marks, hereby certify that I have, this 5th day of December, 1994, caused to be delivered by First Class U.S. mail, postage pre-paid the foregoing "REPLY COMMENTS OF KRIG, INC." as follows:

John A. Karousos
Acting Chief, Allocations Branch
Policy & Rules Division, Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8322
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RHEMA MEDIA
107 West Main Street
Pawhuska, OK 74056

Lula Parker
Lula Parker

TECHNICAL STATEMENT
MM Docket No 94-100, RM-8509

The purpose of these studies is to support the comments of KRIG, Inc. ("KRIG"). In this proceeding, KRIG requested:

Nowata, OK Delete 232A, Add 286C3

The reference coordinates in the FCC database do not reflect the amended coordinates (17 October 1994) of:

36°49'59" North, 95°44'47" West

This amendment was made to clear the allocation coordinates of KRMP-FM which has only a construction permit.

REPLY TO SINGER BROADCAST GROUP, INC.

Singer requests that an upgrade be given to KRMP-FM from a Class C3 to a Class C2 in lieu of an upgrade for KRIG. The basis for the preclusion of KRIG is the proposed service of KRMP-FM will serve a larger audience and area. Singer's conclusion is that its counter proposal is superior to KRIG's request for a Class C3. This basis appears as the only point of advantage of Singer over KRIG as there are no other points of merit stated.

Attached is a study of the areas of increase for both proposals. For the reference coordinates, uniform coverage was assumed for the maximum service for the class. KRMP-FM 52.2 km, and KRIG 39.1 km. All other FM contours were calculated using the NGDC 30 second database for terrain elevations applied in accordance with §73.313. For comparison of full-time services, all AM nighttime services (Classes above Class D) were chosen. The distances to the interference-free (50% exclusion) contours were calculated using M-3 map of estimated conductivity. A tabulation of all stations used for this study are included as Exhibit A.

Exhibit B shows maps with the contours overlaid with county outlines. Areas within the increase areas are shaded to show the range of stations which serve the area. Based on the areas as measured with a compensating polar planimeter, the following results may be determined:

KRMP-FM	New service area		
Population	195,900 persons, 3,742 sq. km		
Area served by 9 to 11 other services:	8%,	299	sq.km
Area served by 12 to 17 other services:	33%,	1,235	sq.km
Area served by 18 to 23 other services:	59%,	2,208	sq.km

KRIG	New service area		
Population	25,894 persons, 2,371 sq. km		
Area served by 3 to 4 other services:		23%,	545 sq. km 3,786 persons
Area served by 5 other services:		41%,	972 sq. km 17,682 persons
Area served by 6 other services:		15%,	356 sq. km 3,644 persons
Area served by 7 to 13 other services		21%,	498 sq. km 782 persons

The 1990 population figures were derrived using the computerized population data supplied by the U.S. Census Bureau in Public Law 94-171. The program includes persons in the total whose centroid coordinates are within the respective contour with those contour distances smoothed to each degree of azimuth. Each county area was measured with a compensating polar planimeter and uniform distribution of population was assumed.

CONCLUSION

The only merit Singer proposes is increased area and population over the mutually exclusive proposal of KRIG. Singer proposes no new service to gain areas that have less than 9 other full-time service. Almost two-thirds (59%) of the area has 18 to 23 full-time services. Almost two-thirds (64%) of the new KRIG area has only 3 to 5 full-time services and the gain area is away from the metropolitan center. It is clear that KRIG, who first proposed the up-grade, intends to provide full-time service to the under served areas rather than add new service to a very radio-mature metropolitan area.

The above information and attached exhibits are true and correct to my knowledge and belief.

December 2, 1994

210-599-6511

John R. Furr
2700 N.E. Loop 410, Suite 315
San Antonio, TX 78217

FM Study for: KRMP FCC Database Date: 10/94 35-05-15
Location: BIXBY, Class: C2 Freq 105.3 mHz 95-52-25

CALL STATUS	LOCATION STATE		CHANNEL CLASS	ERP:KW	HAAT	LATITUDE LONGITUDE	DISTANCE BEARING
KWGS	TULSA		208		50.	36-01-15	21 km
LIC	OK	BLED-860707KG	C1	89.5	325	95-40-32	58 dg
KNYD	BROKEN ARROW		213		100.	36-01-15	21 km
LIC	OK	BLED-870605KB	C	90.5	499	95-40-32	58 dg
KRSCFM	CLAREMORE		217		2.20	36-19-06	49 km
LIC	OK	BLED-850226KW	A	91.3	111	95-38-18	26 dg
KOSUFM	STILLWATER		219		100.	36-06-31	121 km
LIC	OK	BLED-910226KA	C	91.7	310	97-11-46	280 dg
KCMA	BROKEN ARROW		221		27.0	36-06-38	25 km
LIC	OK	BLH-901114KC	C2	92.1	200	96-01-57	326 dg
KBEZ	TULSA		225		100.	36-11-26	36 km
LIC	OK	BLH-880513KB	C	92.9	402	96-05-50	326 dg
KTHK	OKMULGEE		231		18.0	35-50-02	25 km
LIC	OK	BLH-900913KD	C2	94.1	249	96-07-28	247 dg
KEMX	LOCUST GROVE		233		2.30	36-15-05	69 km
LIC	OK	BLH-910225KA	A	94.5	112	95-13-21	58 dg
KABH	SHAWNEE		236		100.	35-16-45	84 km
CP	OK	BPH-851028MG	C	95.1	524	96-21-53	212 dg
KWEN	TULSA		238		96.	36-11-46	37 km
LIC	OK	BLH-861021KD	C	95.5	405	96-05-53	327 dg
KRAV	TULSA		243		96.	36-11-46	37 km
LIC	OK	BLH-861222KD	C	96.5	405	96-05-53	327 dg
KMMY	MUSKOGEE		246		100.	35-17-05	81 km
LIC	OK	BLH-840131AL	C	97.1	387	95-25-26	150 dg
KMODFM	TULSA		248		96.	36-11-46	37 km
LIC	OK	BLH-861222KF	C	97.5	405	96-05-53	327 dg
KVOOFM	TULSA		253		99.	36-11-26	36 km
LIC	OK	BLH-880420KC	C	98.5	374	96-05-50	326 dg

FM Study for: KRMP FCC Database Date: 10/94 35-05-15
Location: BIXBY, Class: C2 Freq 105.3 mHz 95-52-25

CALL STATUS	LOCATION STATE		CHANNEL CLASS	ERP:KW HAAT	LATITUDE LONGITUDE	DISTANCE BEARING
KCKI	HENRYETTA		258	100.	35-50-02	25 km
LIC	OK	BLH-860425KD	C1 99.5	299	96-07-28	247 dg
KHJM	TAFT		262	3.9	35-48-42	30 km
CP	OK	BPH-920130ID	A 100.3	125	95-34-12	114 dg
KTFR	CLAREMORE		264	3.00	36-21-47	60 km
CP	OK	BPH-871216MB	A 100.7	100	95-29-55	34 dg
KXOJFM	SAPULPA		265	2.00	36-03-38	26 km
LIC	OK	BLH-7319	A 100.9	110	96-06-03	307 dg
KLTO	NOWATA		268	6.0	36-33-50	74 km
CP	OK	BPH-901114MF	A 101.5	100	95-39-59	15 dg
KBIXFM	WAGONER		271	3.00	35-56-44	42 km
CP	OK	BPH-930603JB	A 102.1	100	95-24-35	86 dg
KCES	EUFAULA		272	3.00	35-22-25	67 km
LIC	OK	BLH-3699	A 102.3	58	95-34-00	155 dg
KTOWFM	SAND SPRINGS		272	1.70	36-12-39	38 km
LIC	OK	BLH-890705KC	A 102.3	133	96-06-03	328 dg
KTFX	TULSA		277	100.	36-01-10	22 km
LIC	OK	BLH-810730AI	C 103.3	390	95-39-24	61 dg
KMYZFM	PRYOR		283	70.	36-01-10	22 km
LIC	OK	BLH-850501KY	C1 104.5	344	95-39-24	61 dg
KREK	BRISTOW		285	2.65	35-47-11	55 km
LIC	OK	BLH-890530KC	A 104.9	107	96-27-35	254 dg
KBXT	BIXBY		287	3.4	35-51-41	12 km
CP	OK	BMPH-930819IZ	C3 105.3	268	95-46-03	125 dg
KQLL	OWASSO		291	100.	36-31-36	70 km
LIC	OK	BLH-860602KH	C 106.1	403	95-39-12	16 dg
KHTT	MUSKOGEE		295	94.	35-51-41	12 km
LIC	OK	BLH-820914AJ	C 106.9	308	95-46-03	125 dg

AM Study for: KRMP FCC Database Date: 10/94 35-05-15
Location: BIXBY, Class: C2 Freq 105.3 mHz 95-52-25

CALL STATUS	LOCATION STATE		CHANNEL CLASS	POWER PATTERN	LATITUDE LONGITUDE	DISTANCE BEARING
KRMG	TULSA		740 kHz	25.0 kW	36-04-50	41 km
LIC	OK	BL-860320AG	Class B	DA	96-17-09	296 dg
KCFO	TULSA		970 kHz	1.0 kW	36-11-46	34 km
LIC	OK	BL-781012AF	Class B	DA	96-02-22	334 dg
KVOO	TULSA		1170 kHz	50.0 kW	36-08-49	26 km
LIC	OK	-	Class A	DA	95-48-27	13 dg
KTRT	CLAREMORE		1270 kHz	1.0 kW	36-15-58	44 km
CP	OK	BP-930823DA	Class B	DA	95-38-23	29 dg
KAKC	TULSA		1300 kHz	1.0 kW	35-59-40	8 km
LIC	OK	BL-830705AK	Class B	DA	95-51-27	10 dg
KTOW	SAND SPRINGS		1340 kHz	0.9 kW	36-07-58	31 km
LIC	OK	BL-910916AD	Class C	ND	96-05-36	320 dg
KMUS	MUSKOGEE		1380 kHz	0.5 kW	35-46-34	47 km
LIC	OK	-	Class B	DA	95-22-48	110 dg
KQLL	TULSA		1430 kHz	5.0 kW	36-14-10	36 km
LIC	OK	-	Class B	DA	95-56-50	349 dg
KBIX	MUSKOGEE		1490 kHz	1.0 kW	35-46-06	50 km
LIC	OK	-	Class C	ND	95-21-14	110 dg

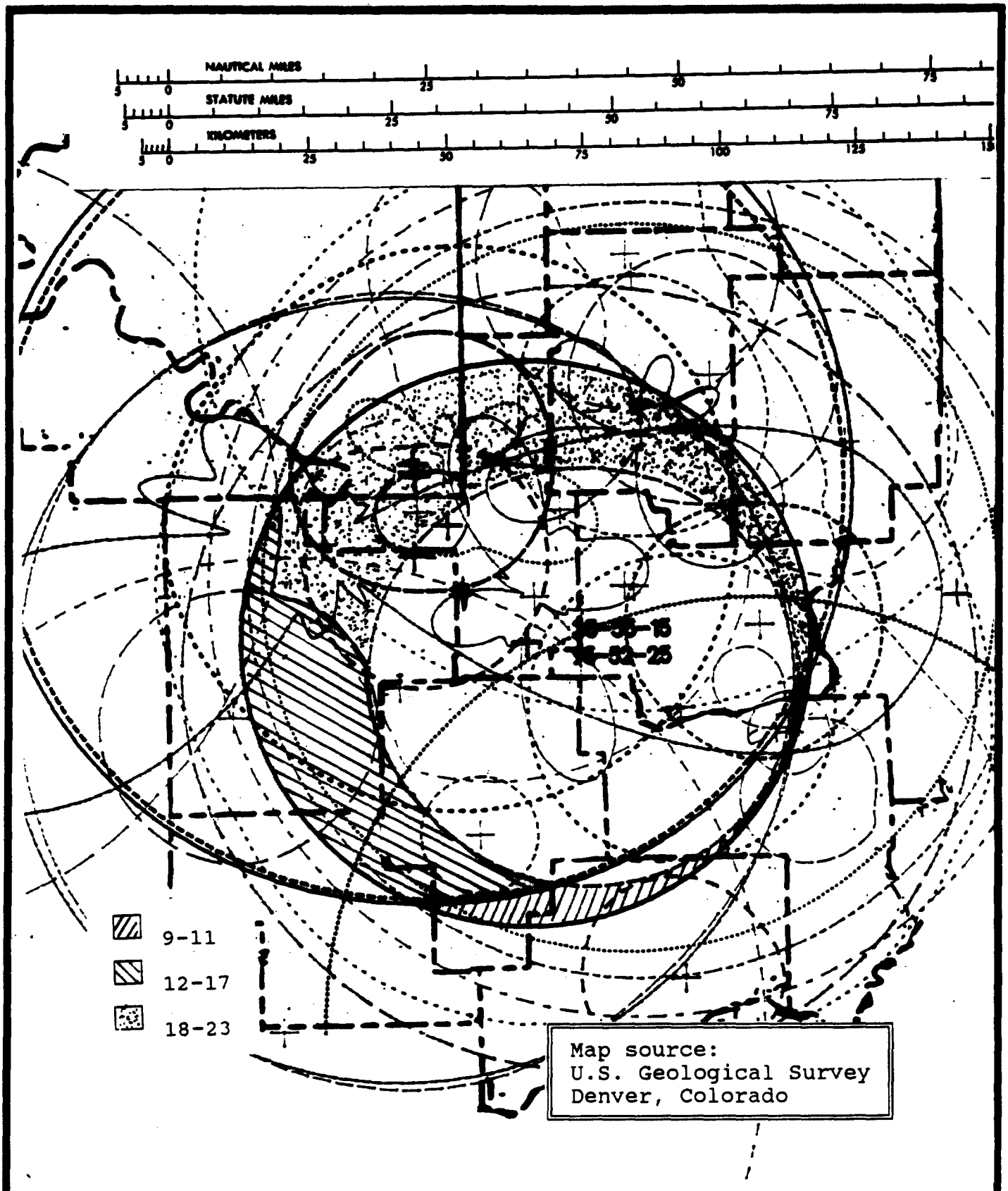
FM Study for: KRIG FCC Database Date: 10/94 36-49-59
Location: NOWATA, OK Class: C3 95-44-47

CALL STATUS	LOCATION STATE		CHANNEL CLASS	ERP:KW HAAT	LATITUDE LONGITUDE	DISTANCE BEARING
KWGS	TULSA		208	50.	36-01-15	90 km
LIC	OK	BLED-860707KG	C1 89.5	325	95-40-32	176 dg
KRPS	PITTSBURG		210	100.	37-18-44	98 km
LIC	KS	BLED-880518KC	C 89.9	305	94-48-58	57 dg
KRSCFM	CLAREMORE		217	2.20	36-19-06	58 km
LIC	OK	BLED-850226KW	A 91.3	111	95-38-18	170 dg
KCMA	BROKEN ARROW		221	27.0	36-06-38	84 km
LIC	OK	BLH-901114KC	C2 92.1	200	96-01-57	198 dg
KBEZ	TULSA		225	100.	36-11-26	78 km
LIC	OK	BLH-880513KB	C 92.9	402	96-05-50	204 dg
KRIG	NOWATA		232	3.5	36-44-35	10 km
LIC	OK	BLH-930517KA	A 94.3	132	95-45-17	184 dg
KWEN	TULSA		238	96.	36-11-46	77 km
LIC	OK	BLH-861021KD	C 95.5	405	96-05-53	204 dg
*KKWM	WINFIELD		240	50.0	37-06-42	89 km
CP	KS	BPH-910705MI	C2 95.9	150	96-40-50	291 dg
KITOFM	VINITA		241	50.0	36-34-56	70 km
LIC	OK	BLH-890508KD	C2 96.1	150	95-01-35	113 dg
KRAV	TULSA		243	96.	36-11-46	77 km
LIC	OK	BLH-861222KD	C 96.5	405	96-05-53	204 dg
KKOWFM	PITTSBURG		245	100.	37-18-44	98 km
LIC	KS	BLH-891207KA	C1 96.9	278	94-48-58	57 dg
KMODFM	TULSA		248	96.	36-11-46	77 km
LIC	OK	BLH-861222KF	C 97.5	405	96-05-53	204 dg
KVOOFM	TULSA		253	99.	36-11-26	78 km
LIC	OK	BLH-880420KC	C 98.5	374	96-05-50	204 dg
KUSN	COFFEYVILLE		255	6.0	37-06-28	31 km
LIC	KS	BLH-900831KB	A 98.9	93	95-43-22	4 dg

FM Study for: KRIG FCC Database Date: 10/94 36-49-59
Location: NOWATA, OK Class: C3 95-44-47

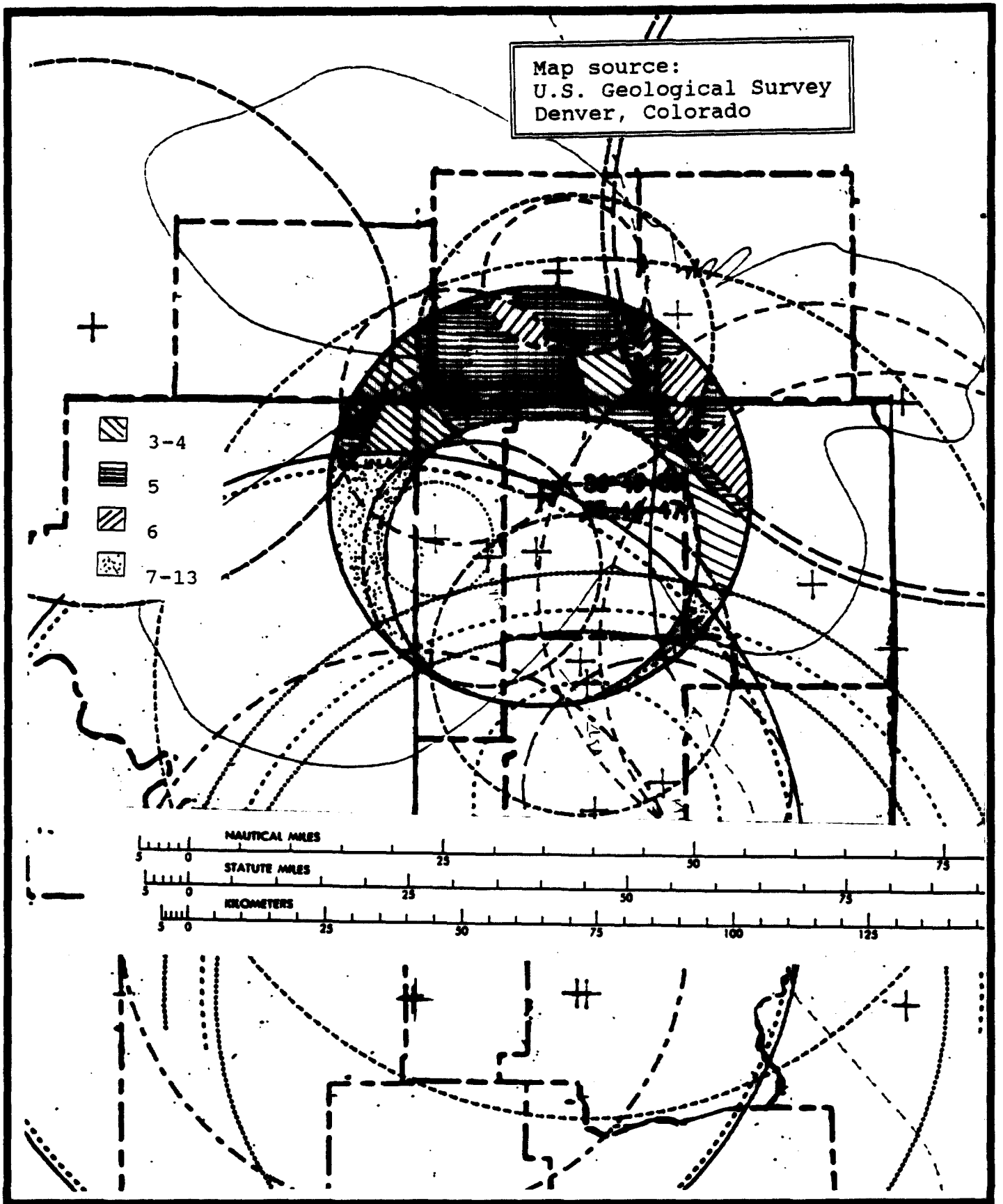
CALL STATUS	LOCATION STATE		CHANNEL CLASS	ERP:KW HAAT	LATITUDE LONGITUDE	DISTANCE BEARING
KYFM	BARTLESVILLE		261	0.95	36-44-04	15 km
LIC	OK	BLH-850424KK	A 100.1	150	95-51-18	222 dg
KTFR	CLAREMORE		264	3.00	36-21-47	57 km
CP	OK	BPH-871216MB	A 100.7	100	95-29-55	157 dg
KEOJ	CANEY		266	3.00	36-58-19	20 km
LIC	KS	BLH-920924KA	A 101.1	100	95-53-47	319 dg
KLTO	NOWATA		268	6.0	36-33-50	31 km
CP	OK	BPH-901114MF	A 101.5	100	95-39-59	167 dg
KINDFM	INDEPENDENCE		269	1.60	37-13-07	43 km
LIC	KS	BLH-4411	A 101.7	47	95-43-30	3 dg
KTFX	TULSA		277	100.	36-01-10	91 km
LIC	OK	BLH-810730AI	C 103.3	390	95-39-24	175 dg
KMYZFM	PRYOR		283	70.	36-01-10	91 km
LIC	OK	BLH-850501KY	C1 104.5	344	95-39-24	175 dg
KQLL	OWASSO		291	100.	36-31-36	35 km
LIC	OK	BLH-860602KH	C 106.1	403	95-39-12	166 dg
KGND	KETCHUM		298	50.	36-41-18	52 km
LIC	OK	BLH-890811KC	C2 107.5	150	95-11-30	108 dg

CALL STATUS	LOCATION STATE		CHANNEL CLASS	POWER PATTERN	LATITUDE LONGITUDE	DISTANCE BEARING
KGGF	COFFEYVILLE		690 kHz	5.0 kW	37-08-58	43 km
LIC	KS	-	Class B	DA	95-28-27	35 dg
KVOO	TULSA		1170 kHz	50.0 kW	36-08-49	76 km
LIC	OK	-	Class A	DA	95-48-27	184 dg
KWON	BARTLESVILLE		1400 kHz	1.0 kW	36-45-53	20 km
LIC	OK	-	Class C	ND	95-57-35	248 dg



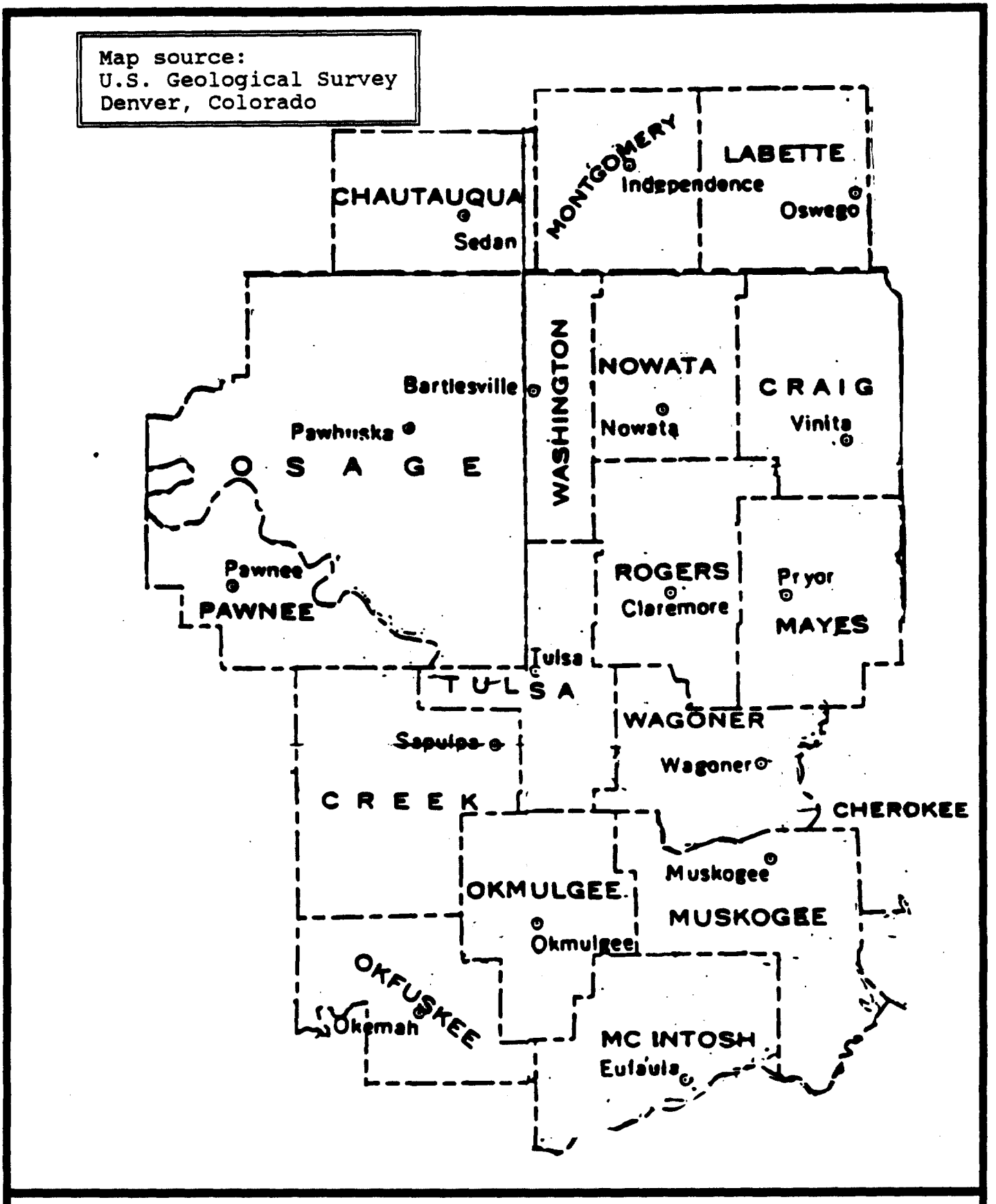
JF&A
COMMUNICATIONS
CONSULTANTS

KRIG
NOWATA, OK
EXHIBIT B



JF&A
COMMUNICATIONS
CONSULTANTS

KRIG
NOWATA, OK
EXHIBIT B



JF&A
COMMUNICATIONS
CONSULTANTS

KRIG
NOWATA, OK
EXHIBIT B